

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, December 7, 2009
5:45 P.M.

Invocation by Dr. Brant Baker, First Presbyterian Church.

Pledge of Allegiance.

Mayor's Welcome.

Awards, Recognitions and Announcements.

CITIZEN PARTICIPATION

All citizens are permitted and encouraged to speak on agenda items. If you are interested in speaking on an agenda item, please fill out a blue card in the back of the room and give it to the City Clerk. When the Council considers the item, you will be called to the podium to provide your comments.

CONSENT AGENDA

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the Consent Agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

(Members of the Mesa City Council will attend either in person or by telephone conference call).

MESA CITY COUNCIL
December 7, 2009
Page 2

1. Take action on all consent agenda items.
- *2. Approval of minutes of previous meetings as written.
3. Take action on the following liquor license application:
 - *3a. Pizza Pit

New Restaurant License for Pizza Pit, 1954 S. Dobson Road, Suite 5, CJV Investments, LLC – Cory J Valentine, Agent. The previous Restaurant License held at this location by The Village Idiot Inc. was terminated with the State on March 31, 2008. **(District 3)**
4. Take action on the following contracts:
 - *4a. Term Contract for 15kV Electric Aluminum Cable for the Energy Resources Department **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Wesco Distribution at \$159,163.49, including applicable use tax.
 - *4b. Term Contract for Reduced Pressure Principle Backflow Prevention Assemblies for the Materials and Supply Warehouse **(Citywide)**

The Purchasing Division recommends authorizing purchase from the lowest, responsive and responsible bidder, Arizona Waterworks Supply at \$85,664.93, including applicable sales tax.
 - *4c. Term Contract for Replacement Badger Fire System Water Meters for the Water Resources Department (Sole Source) **(Citywide)**

The Purchasing Division recommends authorizing purchase from the sole source bidder, BadgerMeter, Inc. at \$198,413.96, including applicable use tax.

MESA CITY COUNCIL
December 7, 2009
Page 3

*4d. Change Order for the Traffic Control Sign Material and Sign Imaging Contract for the Transportation Department
(Citywide)

The Purchasing Division recommends approving the change order to increase the contract by \$84,438.75 with Safeway Sign Company from \$361,023.17 to \$445,461.92.

*4e. Purchase of Twenty-Five (25) Replacement Vehicles for Various City Departments
(Citywide)

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts with multiple vendors at \$681,031.03, including applicable sales tax.

*4f. Contract Extension and Dollar Limit Increase for Cationic Emulsion Polymer for the Water Resources Department
(Citywide)

The Purchasing Division recommends a six-month contract extension and increasing the contract amount by \$200,000 with Polydyne Inc. from \$307,419.60 to 507,419.60.

*4g. Term Contract for Pad Mounted Three Phase Switchgear for Materials and Supply **(Citywide)**

The Purchasing Division recommends authorizing purchase from the lowest, responsive and responsible bidder, G & W Electric at \$67,730.22, including applicable sales tax.

*4h. Southeast Water Reclamation Plant Ground Fault System Installation, 6308 E. Baseline Road **(District 6)**

City Project No. 08-003-001. This project will install the transformers and relays necessary to detect a ground fault on Salt River Project's (SRP) system and disconnect the Southeast Water Reclamation Plant (SEWRP) from the SRP grid in the event of an interruption in the electrical feed for the plant. The City's agreement with SRP requires these protective devices be installed to protect their workers from injury.

MESA CITY COUNCIL
December 7, 2009
Page 4

Recommend award to the low bidder, JK Communication and Construction, Inc. dba Kleven Construction, in the amount of \$36,157.00 plus an additional \$3,615.70 (10% allowance for change orders) for a total award of \$39,772.70. This project is funded from the adopted FY 09/10 Wastewater Capital Bond Program.

*4i. Guadalupe Road and Dobson Road Intersection
Improvements **(District 3)**

City Project No. 01-370-001. This project will construct the north and southbound Dobson Road intersection approaches to full six-lane arterial street standards. This will include dual left turn lanes as well as southbound and eastbound right-turn lanes, a new traffic signal system and new street lights. In addition to the street improvements, the project will construct 8-foot high barrier walls along the residential properties impacted by this project.

Recommend award to the low bidder, Visus Engineering Construction Inc., in the amount of \$1,696,929.00 plus an additional \$169,692.90 (10% allowance for change orders) for a total award of \$1,866,621.90. This project will be funded with the adopted FY 09/10 Street Bond Program.

*4j. Motorola Upgrade Assistance Plan and Technical Support
Service for the 800 MHz Radio System.

This plan will provide planned system upgrades and vendor support required to maintain the regional radio communications system serving public safety and municipal users for the period July 1, 2010 through June 30, 2015 in the amount of \$2,833,251 and a technical support service for the period July 1, 2010 through June 30, 2015 in the amount of \$320,346.60. The total award is \$3,153,597.60. As the administrative manager of the TOPAZ Regional Wireless Cooperative (TRWC), Mesa will manage the plan. Each member will pay their apportioned amount of the total in accordance with the TRWC Governance Agreement.

MESA CITY COUNCIL
December 7, 2009
Page 5

*4k. Purchase of Motorola High Performance Data (HPD) System and modems for Public Safety Mobile Data. (Sole Source) **(Citywide)**

This will replace the existing system, which is no longer supported by the manufacturer. The new system provides higher bandwidth than the existing system and will be part of the TOPAZ Regional Wireless Cooperative (TRWC). The cost for the system is \$842,703.47. Each member will pay their apportioned amount of the total in accordance with the TRWC Governance Agreement and be responsible for the purchase of mobile data modems. Mesa will be purchasing 465 modems at \$1,050,536.11. The total award is \$1,893,239.58. This project is funded from the FY 09/10 Public Safety Bond Program.

5. Take action on the following resolutions:

*5a. Approving and authorizing the City Manager to execute documents for the sale of City owned properties acquired under the Neighborhood Stabilization Program.

*5b. Approving and authorizing the City Manager to execute an Agreement with the Governor's Office of Highway Safety to accept grant funds in the amount of \$87,920 for the Arizona-East Valley DUI Task Force Enforcement Program.

6. Introduction of the following ordinances and setting December 14, 2009, as the date of the public hearing on these ordinances:

*6a. Amending Title 9, Chapter 11 of the Mesa City Code to adopt modified Floodplain Management Regulations. The amendments are necessary to comply with the Federal Emergency Management Agency (FEMA) requirements. Amendments are administrative in nature including referring to the latest version of state and federal standards, maps, as well as state statutes for penalties. These modifications keep the City current with floodplain requirements so that properties within the City and a floodplain can continue to acquire floodplain insurance. **(Citywide)**

*6b. Amending Title 8, Chapter 6 of the Mesa City Code regarding livestock regulations.

MESA CITY COUNCIL
December 7, 2009
Page 6

*6c. Amending Title 6, Chapter 12 of the Mesa City Code related to offensive, excessive and prohibited noises. This ordinance will amend the section on unruly gatherings to include public places and allow enforcement by other City departments as designated by the City Manager.

*6d. Amending Title 1, Chapter 27 of the Mesa City Code –
Deleted.

*6e. **Z09-22 (District 6)** 6859 East Rembrandt Avenue. Located north of Warner Road and east of Power Road (14,100± s.f.). Council Use Permit. This request will continue to allow an existing charter school within an industrial zoned area. Daniel Deryke, Western Horizons Development, LLC, owner; Debra Gomez, applicant.

P&Z Recommendation: Approval with conditions.
(Vote: 7-0)

*6f. **Z09-24 (District 5)** The 10000 block of East Brown Road (north side). Located at the northeast corner of Crismon Road and Brown Road (5.78± acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. This request will establish City of Mesa zoning on recently annexed property. The Church of Jesus Christ of Latter-Day Saints, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions.
(Vote: 6–0–1 Boardmember Randy Carter abstained)

*6g. **Z09-25 (District 5)** 2701 East Lehi Road. Located north of McDowell Road and east of Gilbert Road (7.65± acres). Rezone from Maricopa County RU-43 to City of Mesa R1-43. This request will establish City of Mesa zoning on recently annexed property. The Church of Jesus Christ of Latter-Day Saints, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions.
(Vote: 6–0–1 Boardmember Randy Carter abstained)

MESA CITY COUNCIL
December 7, 2009
Page 7

*6h. **Z09-26 (District 5)** 9016 East Gary Lane. Located north of Brown Road and west of Ellsworth Road (0.15± acres). Rezone from Maricopa County R1-6 to City of Mesa R1-6. This request will establish City of Mesa zoning on recently annexed property. Harlan and Sarah Finzer, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions.
(Vote: 7-0)

*6i. **Z09-27 (District 5)** 2415 North Hawes Road. Located north of McKellips Road on the east side of Hawes Road (2.02± acres). Rezone from Maricopa County R1-18 to City of Mesa R1-35. This request will establish City of Mesa zoning on recently annexed property. Stephen and Laurie Loper, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions.
(Vote: 7-0)

7. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

*7a. Amending Section 2-18-2 of the Mesa City Code relating to Personnel Appeals Board Procedural Guidelines.

7b. Amending Title 2, Chapter 1 of the Mesa City Code to modify the duties of the Planning and Zoning Board and repealing Title 2, Chapter 20 of the Mesa City Code eliminating the Downtown Development Committee.

*7c. Repealing Title 5, Chapter 12 of the Mesa City Code related to massage establishments and adopting a new Title 5, Chapter 12 that strengthens oversight of massage establishments. This ordinance incorporates changes based on meeting with massage establishment stakeholders.

MESA CITY COUNCIL
December 7, 2009
Page 8

- *7d. **Z09-17 (District 6)** The 4800 through 5200 block of South Hawes Road. Located south of the Loop 202 Freeway on the east and west sides of the Hawes Road alignment including the southeast corner of the Hawes and Ray Road alignments (230± acres). Rezone from AG-AF to C-2 and PEP with a BIZ overlay and a Council Use Permit, and the establishment of the Gateway 202 Airpark Development Master Plan. This request will allow for the development of a high quality master planned Mixed Use Employment area with office, retail, hotel, and urban living components. Brad Hansen, 202 Holdings, owner; Stephen Earl, Earl, Curley and Lagarde P.C., applicant.

P&Z Recommendation: Approval with conditions
Vote: 5 – 0 – 1 Boardmember Coons abstained,
Boardmember Perkinson absent

- *8. Take action on an ordinance and resolution repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules.
- *9. Assign delinquent accounts to collection services for the three-month period ending September 30, 2009, totaling \$467,827.
10. Items from citizens present. (Maximum of three speakers for three minutes per speaker).